Calendar No. 369

105TH CONGRESS
2D SESSION

H. R. 3811

IN THE SENATE OF THE UNITED STATES

MAY 13, 1998

Received; read twice and placed on the calendar

AN ACT

To establish felony violations for the failure to pay legal
child support obligations, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Deadbeat Parents

3 Punishment Act of 1998".

4 **SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.**

5 Section 228 of title 18, United States Code, is

6 amended to read as follows:

7 **"§ 228. Failure to pay legal child support obligations**

8 "(a) OFFENSE.—Any person who—

9 "(1) willfully fails to pay a support obligation

10 with respect to a child who resides in another State,

11 if such obligation has remained unpaid for a period

12 longer than 1 year, or is greater than $5,000;

13 "(2) travels in interstate or foreign commerce

14 with the intent to evade a support obligation, if such

15 obligation has remained unpaid for a period longer

16 than 1 year, or is greater than $5,000; or

17 "(3) willfully fails to pay a support obligation

18 with respect to a child who resides in another State,

19 if such obligation has remained unpaid for a period

20 longer than 2 years, or is greater than $10,000;

21 shall be punished as provided in subsection (c).

22 "(b) PRESUMPTION.—The existence of a support ob-

23 ligation that was in effect for the time period charged in

24 the indictment or information creates a rebuttable pre-

25 sumption that the obligor has the ability to pay the sup-

26 port obligation for that time period.

1   "(c) PUNISHMENT.—The punishment for an offense

2 under this section is—

3   "(1) in the case of a first offense under sub-

4   section (a)(1), a fine under this title, imprisonment

5   for not more than 6 months, or both; and

6   "(2) in the case of an offense under paragraph

7   (2) or (3) of subsection (a), or a second or subse-

8   quent offense under subsection (a)(1), a fine under

9   this title, imprisonment for not more than 2 years,

10   or both.

11   "(d) MANDATORY RESTITUTION.—Upon a conviction

12 under this section, the court shall order restitution under

13 section 3663A in an amount equal to the total unpaid sup-

14 port obligation as it exists at the time of sentencing.

15   "(e) VENUE.—With respect to an offense under this

16 section, an action may be inquired of and prosecuted in

17 a district court of the United States for—

18   "(1) the district in which the child who is the

19   subject of the support obligation involved resided

20   during a period during which a person described in

21   subsection (a) (referred to in this subsection as an

22   'obliger') failed to meet that support obligation;

23   "(2) the district in which the obliger resided

24   during a period described in paragraph (1); or

1   "(3) any other district with jurisdiction other-

2 wise provided for by law.

3   "(f) DEFINITIONS.—As used in this section—

4   "(1) the term 'Indian tribe' has the meaning

5 given that term in section 102 of the Federally Rec-

6 ognized Indian Tribe List Act of 1994 (25 U.S.C.

7 479a);

8   "(2) the term 'State' includes any State of the

9 United States, the District of Columbia, and any

10 commonwealth, territory, or possession of the United

11 States; and

12   "(3) the term 'support obligation' means any

13 amount determined under a court order or an order

14 of an administrative process pursuant to the law of

15 a State or of an Indian tribe to be due from a per-

16 son for the support and maintenance of a child or

17 of a child and the parent with whom the child is liv-

18 ing.".

Passed the House of Representatives May 12, 1998.

Attest: ROBIN H. CARLE,

Clerk.

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